

UNITED STATES DISTRICT COURT  
for the  
Southern District of Indiana

United States of America

v.

Johnny Wilbourn

)

) Case No: 3:10CR00005-010

)

) USM No: 09350-028

)

) None

) *Defendant's Attorney*

Date of Original Judgment: 07/26/2011

Date of Previous Amended Judgment:

(Use Date of Last Amended Judgment if Any)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

*(Complete Parts I and II of Page 2 when motion is granted)*

**A CERTIFIED TRUE COPY**

Laura A. Briggs, Clerk  
U.S. District Court  
Southern District of Indiana

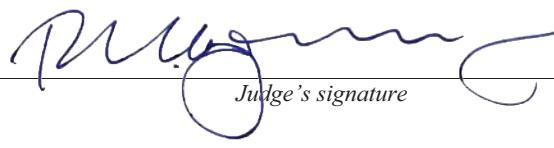


By Dina M. Dafe  
Deputy Clerk

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: \_\_\_\_\_

  
Judge's signature

Effective Date: \_\_\_\_\_ \*  
(if different from order date)

The Honorable Richard L. Young

Printed name and title

\* Unless otherwise indicated, the effective date of this order shall be ten (10) days after order date.

Addendum to Order Pursuant to 18 U.S.C. § 3582(c)

Cause No. 3:10CR00005-010

Defendant Johnny Wilbourn

As directed by 18 U.S.C. § 3582(c)(2), the Court has considered the relevant factors in U.S.S.G. § 1B1.10(b) and 18 U.S.C. § 3553(a), and determined a sentence reduction is not appropriate for the following reason(s):

- 1) The defendant is not eligible for a reduction because the amendments listed in subsection (c) of U.S.S.G. § 1B1.10 are not applicable to the defendant.
- 2) The amendment is listed in subsection (c) of U.S.S.G. § 1B1.10 and is applicable to the defendant, but it does not have the effect of lowering the defendant's applicable guideline range (e.g. a statutory mandatory minimum term of imprisonment, binding plea agreement, career offender status).
- 3) The defendant is eligible for a reduction under this amendment, but the Court has determined such a reduction is not appropriate because of the nature and seriousness of the danger to any person or the community that may be posed by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- 4) The defendant is eligible for a reduction under this amendment. However, the Court has determined the post-sentencing conduct demonstrates the defendant may pose a danger to any person or the community by a reduction in sentence. (Application Note 1(B) of U.S.S.G. § 1B1.10.)
- 5) Other (explain)

The base offense level is not lowered by the amendment. It is the same as at the time of sentencing.

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